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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 2003P00938WOUS	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____ eFiled</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number 10/562,105	Filed 12/22/2005
		First Named Inventor Helmut Jerg et al.	
		Art Unit 3743	Examiner Stephen Michael Gravini

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record. 62-246
Registration number _____.

attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____.

/Andre Pallapies/

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July 16, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

STATEMENT OF ARGUMENTS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

A Notice of Appeal is being filed concurrently herewith. Applicants request that the pending rejections be reconsidered and withdrawn in view of the following remarks.

I. Claims 9-12 and 16-18

The Office Action rejects claims 9-12 and 16-18 under 35 U.S.C. §102(b) over US Patent No. 5,343,632 to Dinh (hereinafter “Dinh”). For the reasons set forth below, it is respectfully submitted that the rejection is improper and should be withdrawn.

Independent claim 9 is directed to a method for operating a home appliance. Claim 9 recites subjecting items retained in the home appliance to a drying step after the items have undergone a treatment step, as a result of which moisture remains on the items. Claim 9 recites that the step of drying includes drawing at least one of air from a treatment chamber and ambient air through a sorption column and thereafter guiding the air that has passed through the sorption column into a treatment chamber. Claim 9 recites that the sorption column contains a reversibly dehydratable material that operates to withdraw moisture from air during the passage of the air through the sorption column.

Claim 9 also recites a step of affecting desorption of the reversibly dehydratable material in the sorption column. Claim 9 recites drawing at least one of air from the treatment chamber and ambient air through the sorption column by means of an air accelerator means. Claim 9 also recites subjecting air passing through the sorption column to heating and guiding the air that has been heated as it passed through the sorption column into the treatment chamber, wherein the air which is guided into the treatment chamber heats at least one of the treatment liquid to be applied to items retained in the home appliance and the items themselves.

The Dinh reference discloses industrial dryer systems which operate in a closed looped fashion to remove moisture from items which are undergoing treatment. The Dinh dryer systems utilize heat pipes. The heat pipes absorb heat from warm, moisture laden air exiting a treatment chamber. The removal of heat from the moisture laden air

lowers the temperature of the air, which causes the moisture in the air to condense and flow out a drain as waste water. The heat pipes also operate to move the heat absorbed from the air exiting the treatment chamber over to dehumidified air which is about to pass back into a treatment chamber.

The Dinh reference fails to disclose or suggest the use of a sorption column containing a reversible dehydratable material. Accordingly, Dinh necessarily fails to disclose or suggest methods that include drawing air through a sorption column such that a reversibly dehydratable material in the sorption column withdraws moisture from the air during its passage through the sorption column, as recited in claim 9. The Dinh reference also necessarily fails to disclose or suggest conducting any type of desorption step that would include effecting desorption of a reversible dehydratable material in a sorption column, as also recited in claim 9.

The June 10, 2010 Office Action asserts that the regenerative heat exchanger disclosed in Dinh is “structurally and functionally the same as the disclosed sorption column because both use a reversibly dehydratable material.” Applicants could not possibly disagree more strongly with this assertion.

To begin with, the heat exchanger structure in Dinh, which utilizes heat pipes, does not contain a reversibly dehydratable material. Thus, Dinh simply lacks the sorption column with a reversibly dehydratable material required to practice the method recited in claim 9.

Also, although the heat exchanger structure disclosed in Dinh acts to remove moisture from a flow of air, the method used by the Dinh heat exchanger is significantly different from methods which utilize a sorption column. In the Dinh structure, heat is removed from an airflow so that the temperature of the airflow decreases, at which point water supported in the air condenses and flows out of the system. In contrast, when a flow of moist air passes through a sorption column containing a reversibly dehydratable material, the water in the airflow is directly absorbed by the reversibly dehydratable material. At this point, the water is still held in the system by the reversibly dehydratable

material. In order to release that water, it is necessary to thereafter conduct a desorption step, as also recited in claim 9.

Because the Dinh reference fails to disclose or suggest virtually all of the method steps recited in claim 9, it is respectfully submitted that claim 9 is allowable over Dinh.

Claims 10-12 and 16-18 depend from claim 9 and are allowable for the same reasons, and for the additional features which they recite.

II. Claims 13-15

The Office Action rejects claims 13-15 under 35 U.S.C. §103(a) over Dinh, in view of US Patent No. 3,034,221 to Tuck (hereinafter "Tuck"). Claims 13-15 depend from claim 9 and are allowable over Dinh for all the reasons discussed above in connection with claim 9, and for the additional features which they recite.

Although the Office Action never specifically state this, it appears that the Examiner is taking the position that one of ordinary skill in the art, viewing Dinh and Tuck, would have been motivated to modify Dinh so that Dinh performs a method as recited in claims 13-15. Applicants respectfully disagree.

As noted above, the claims recite that during a desorption step, air that has been heated as it passes through the sorption column is guided into the treatment chamber to heat at least one of the treatment liquid to be applied to items retained in the home appliance and the items themselves. With a method as recited in claim 9, the heat applied to the reversibly dehydratable material during the desorption step, to cause the reversibly dehydratable material to release absorbed water, is not lost to the atmosphere. On the other hand, if the airflow passing through the sorption column during the desorption step is returned to a treatment chamber, this means that water released by the reversibly dehydratable material will be returned to the treatment chamber.

The Tuck reference discloses a device which can be used to effect drying of items. Tuck teaches that a reversibly dehydratable material is used to absorb moisture from air leaving a treatment chamber. However, in contrast to what is recited in claim 9, Tuck teaches that during a desorption step, the air passing over the reversibly dehydratable material should be vented to the atmosphere, not sent back into a treatment

chamber. This prevents water emitted from the reversibly dehydratable material from being sent back into the treatment chamber. But this also means that the heat energy used to effect the desorption is lost to the atmosphere. Thus, Tuck not only fails to cure the deficiencies of Dinh discussed above, but Tuck also teaches away from the method recited in claim 9.

Moreover, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to modify either Dinh or Tuck to arrive at methods as recited in the claims. As explained above, the whole point of Dinh, and of Tuck, is to remove water from a treatment chamber. For this reason, one of skill in the art would never modify what is disclosed in Dinh or Tuck so that water is added to an airflow passing back into the treatment chamber. Doing so would be completely counter-productive to the methods disclosed in Dinh and Tuck.

For all the above reasons, it is respectfully submitted that the references do not disclose the features recited in claims 13-15. Further, one of skill in the art would not have combined the references, and then modified the combination, to result in methods as recited in the claims. Accordingly, it is respectfully submitted that the rejection of claims 13-15 should also be withdrawn.

III. Claim 19

The Office Action rejects claim 19 under 35 U.S.C. §103(a) over Dinh, in view of US Patent No. 2,633,928 to Chamberlain (hereinafter “Chamberlain”). For the reasons provided below, it is respectfully submitted that this rejection should also be withdrawn.

Independent claim 19 is directed to a method for operating a dishwasher. Claim 19 recites a drying step that includes drawing at least one of air from a treatment chamber and ambient air through a sorption column and thereafter guiding the air that has passed through the sorption column into a treatment chamber, the sorption column containing reversibly dehydratable material that operates to withdraw moisture from air during the passage of the air through the sorption column. Claim 19 further recites effecting desorption of the reversible dehydratable material in the sorption column. Claim 19 recites that during the desorption step, air passing through the sorption column is heated

and then guided into the treatment chamber, so that the air can heat the treatment liquids to be applied to the crockery retained in the device or the crockery itself.

As explained above, the Dinh reference fails to disclose or suggest any methods that utilize a reversibly dehydratable material in a sorption column. Thus, claim 19 is allowable over Dinh.

The Chamberlin reference discloses the use of a reversibly dehydratable material to assist in removing moisture from air leaving a treatment chamber. However, just like Tuck, Chamberlain teaches that air used to conduct a desorption step should be vented to the atmosphere, not guided back into the treatment chamber. Thus, like Tuck, Chamberlain teaches away from a method as recited in claim 19.

For all the reasons explained above, it is respectfully submitted that claim 19 is allowable over Dinh and Chamberlain, and that the combination of Dinh and Chamberlain is improper. Withdrawal of the rejection of claim 19 is also respectfully requested.

Respectfully submitted,

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